



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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March 24, 2008

Pamela J. Chandler, Chief
Site Selection and Environmental Review Branch
Federal Bureau of Prisons
320 First Street, N.W.
Washington, D.C. 20534

**Subject: EPA Review on the Proposed Federal Correctional Complex
Final Environmental Impact Statement (FEIS)
CEQ #: 20080058; ERP #: BOP-E81040-AL**

Dear Ms. Chandler:

Pursuant to Section 309 of the Clean Air Act, and Section 102(2)(C) of the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the subject document. EPA previously participated in two interagency scoping meetings and submitted scoping and Draft EIS comments on March 26, 2006, and December 10, 2007, respectively. This letter provides EPA's review comments on the Proposed Federal Correction Complex FEIS.

The Federal Bureau of Prisons (FBOP) proposes to construct and operate a new prison complex on approximately a 1,500-acre parcel in the Aliceville Area. The initial phase of the project includes the development of: a medium security prison to house 1,500 inmates and a minimum security prison camp to house 250 inmates and several ancillary facilities such as a prison industry, firing range, warehouses and administrative buildings. Subsequent phases of the Federal Correctional Complex (FCC) will house approximately 1,500 adult inmates and a USP to house 1,000 adult inmates. Full development of the FCC could house up to 4,250 inmates and employ about 800 full-time staff.

The proposed project examines a no-action alternative and two alternative site locations: North and South. The central site was removed from further consideration following the submittal of scoping comments reducing the potential project footprint by 518 acres. The remaining sites are 1,270 to 1,283 acres in size, respectively and are located around the Aliceville area. The FEIS identifies the North Site location as environmentally preferred alternative.

Overall, EPA appreciates the BOP's responsiveness to our previous scoping and draft EIS comments regarding site selection, potential direct and indirect impacts to wetland, aquatic resources including discharges to impaired waters, green infrastructure and pollution prevention, radon and environmental justice. EPA's remaining comments

and recommendations on the proposed federal prison complex construction project are listed below.

Aquatic Resources

Alternatives: The preferred alternative (North Site) appears to have slightly more wetlands 101.6 acres compared to 92.33 acres (South Site). However, the South site is in close proximity to the Tombigbee and Sipsey River and associated tributaries. These rivers contain segment segments impaired for organic enrichment/dissolved oxygen and metals, respectively. In addition, stormwater runoff into tributaries to the Sipsey River from site clearing and development activities may impact species habitat. Consequently, EPA continues to support the selection of the North Site alternative.

Wetland and Stream Characterization: EPA requested that the FEIS quantify stream impacts based on linear feet. Based on our review, the FEIS continues to reference streams by acreage. It is important to quantify streams in linear feet in order to apply the Mobile District's, U.S. Army Corps of Engineers' *Compensatory Stream Mitigation Standard Operating Procedure*. According to the response to our comments, linear feet of stream impacts will be determined during the development of site plans. EPA believes that this information should be included in an FEIS.

EPA also recommended that the FEIS include the ecological functions and quality of the aquatic resources (i.e., streams and wetlands) that are within the proposed project boundaries. This information was not included in the FEIS. According to the response to our comments, this information will be assessed and included as part of BOP's Clean Water Act permit applications that will be provided to EPA for review and comment. While EPA recognizes the challenge presented by the Rapanos decision and appreciates the opportunity to review the project during the permit application phase, it is still important to include complete water resource information within future EIS documents.

Minimization: The FEIS discusses the best management practices that will be used to minimize stream and wetland impacts. The FEIS includes measures typically employed by BOP which have been further supplemented with EPA recommended measures. EPA notes that a detailed sediment and erosion control plan will be developed with emphasis on preventing sediments from entering adjacent and nearby aquatic resources. In addition, a monitoring and environmental education program will be developed and conducted to ensure compliance with all appropriate environmental standards and commitments. EPA commends BOP on their efforts to minimize impacts to these resources, and we recommend incorporating these commitments into the record of decision (ROD). EPA also recommends consideration of additional minimization measures to aquatic resources as site plans are finalized during the next permitting phase.

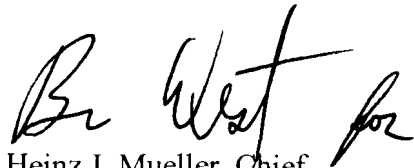
Air Quality

Radon: EPA appreciates the inclusion of radon information. Pickens has a moderate level of radon and BOP recommends mitigation measures that include the using slab foundations as opposed to basements where radon can accumulate, retaining design

or build teams with knowledge of local conditions to minimized potential for radon to accumulate and providing testing equipment for facility operating personnel to ensure concentrations do not exceed EPA action levels.

Thank you for your early coordination with us and the opportunity to provide comments. EPA recommends the inclusion of aquatic resource, green building and pollution prevention, and radon commitments in the ROD. If we can be of further assistance in this matter, or if you have any questions regarding these comments, please contact Ntale Kajumba at (404) 562-9620 or kajumba.ntale@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mueller for".

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management